

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANIEL GONZALEZ,

Petitioner,

ORDER

v.

09-cv-496-slc

GREG VAN RYBROEK, Director,
Mendota Mental Health Institute,

Respondent.

On August 21, 2009, this court entered an order directing petitioner Daniel Gonzalez to supplement his habeas petition with facts supporting his claim that he is in custody in violation of his constitutional rights and showing that his petition is timely. In response to that order, petitioner has acknowledged that he cannot offer such facts. Dkt. #3. Instead, he alleges a number of abuses by staff at the Mendota Mental Health Institute, including lying in their reports, subjecting him to room searches and “provok[ing] [him] into violence.” Petitioner asks the court to “initiate some type of investigation as to the goings on” at the institution.

Petitioner’s allegations, though vague, are serious. If petitioner has specific facts to support a claim that staff at the institution have violated his civil rights, then he may file a civil lawsuit under 42 U.S.C. § 1983 against the individuals who committed the violations. However, this court does not have broad powers to investigate the workings of a state mental

health facility. Petitioner should make his complaints known to officials at the institution through whatever procedures are in place at the facility.

Because petitioner has acknowledged that he lacks facts to show that his habeas corpus petition under § 2254 is timely or that he is in custody in violation of his constitutional rights, his petition must be dismissed.

ORDER

IT IS ORDERED that the petition of Daniel Gonzalez for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED WITH PREJUDICE.

Entered this 18th day of September, 2009.

BY THE COURT:

/s/

BARBARA B. CRAB
District Judge